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Why Inter-Agency Operations Break Down: U.S. Counterterrorism in Comparative Perspective

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Abstract. While U.S. counterterrorism has improved in many respects since the attacks of September 11 2001, there have still been turf battles and many cases of inadequate coordination between security agencies, which have had damaging effects on intelligence work and operations against terrorist groups. Why, more than fourteen years after 9/11, do U.S. inter-agency operations still break down in this manner? By comparing the United States with the United Kingdom, this article provides a new explanation for the deficiencies in the American response. It shows how U.S. inter-agency conflict has negative operational consequences and draws a contrast with the British security agencies, which tend to be more closely integrated and refrain from engaging in major turf battles. I argue that the differences between the cases stem from a combination of distinct institutions and different organizational routines in the U.S. and U.K. In the United States, divided national institutions and the informal routines of its security agencies have proved problematic for joint operations and intelligence work. The article also critiques some influential existing accounts of U.S. inter-agency counterterrorism, which emphasize bureaucratic politics or organizational culture, and shows how such perspectives can produce unrealistic policy recommendations. A focus on the deep-seated routines and institutions of the United States leads one to be more sceptical about the prospects for meaningful organizational reform.

Many Americans have long been concerned that their national security agencies do not work closely enough together and that this problem can have fatal consequences. In the aftermath of the September 11 terrorist attacks, numerous political leaders, security experts and official reports came to the conclusion that various government agencies had significant prior information and leads on the 9/11 plot – but they failed to prevent it because of inadequate coordination.¹ The U.S. government introduced a number of organizational reforms in response to this failure.² It also went on to deplete the Al-Qaeda core, kill Osama Bin Laden and develop intelligence that enabled the prevention of many terrorist plots.³ Despite this progress, however, there were also several reminders of the ongoing problems in American counterterrorism. Experts and congressional investigations have highlighted inadequate coordination between security agencies prior to the 2009 Fort Hood shooting, the Christmas Day “underwear” bomb plot that same year and the 2013 Boston bombings.⁴ Why, more than fourteen years after 9/11 and despite significant government attention and reform, do these weaknesses in U.S. inter-agency operations and intelligence still persist?

Through a comparison of the United States with the United Kingdom, this article critiques existing answers to this question and provides a new explanation for the deficiencies in the American response, drawing on thirty-four author interviews and a range of primary sources. The article documents how inadequate coordination and conflict between security

¹ 9/11 Commission, *The 9/11 Commission Report: Final Report of the National Commission on the Terrorist Attacks upon the United States* (New York: W.W. Norton, 2004), pp. 265, 267, 272, 276-77, 408; President George Bush, Speech to the Georgia Public Policy Foundation, September 7, 2006, available at: <http://www.presidency.ucsb.edu/ws/?pid=759>; Amy Zegart, “September 11 and the Adaptation Failure of U.S. Intelligence Agencies,” *International Security*, 29:4 (2005), pp. 78-111; Amy Zegart, *Spying Blind: The CIA, the FBI and the Origins of 9/11* (New Jersey: Princeton University Press, 2007).

² See Zegart, *Spying Blind*, pp. 169-198; and below, the fourth section of this article.

³ Frank Foley, ‘Counterterrorism and Intelligence’, in Gregory Moore (ed.) *The Encyclopedia of US Intelligence* (New York: Taylor and Francis, 2014); Erik J. Dahl, “The Plots That Failed: Intelligence Lessons Learned from Unsuccessful Terrorist Attacks against the United States,” *Studies in Conflict and Terrorism*, 34:6 (2011), pp. 621-648.

⁴ Senate Committee on Intelligence, *Unclassified Executive Summary of the Committee Report on the Attempted Terrorist Attack on Northwest Airlines Flight 253* (Washington D.C., May 18, 2010); Senate Committee on Homeland Security and Government Affairs, *A Ticking Time Bomb: Counterterrorism Lessons From the U.S. Government's Failure to Prevent the Fort Hood Attack* (Washington D.C., February 3, 2011); House Homeland Security Committee, *The Road to Boston: Counterterrorism Challenges & Lessons from the Marathon Bombings* (Washington D.C., March 2014).

agencies in the United States have had damaging effects on its development of intelligence and its operations against Islamist terrorist networks since 2001. The British agencies, on the other hand, have developed a more integrated approach to inter-agency counterterrorism and they tend not to engage in turf battles to the extent that their American counterparts do.⁵ To explain these differences between the American and British cases, I argue that a combination of two factors – state institutions and the organizational routines of security agencies – has led to the development of different approaches to inter-agency operations in each national setting. In the United States, institutional authority is divided between a range of actors including the executive branch, Congress, and state and local government. This has contributed to a proliferation of security agencies with overlapping jurisdictions, and a reliance on informal routines and relationships that often prove inadequate for the purposes of inter-agency coordination. In the U.K., a combination of centralized institutions and formal routines has proved more conducive for the development of coordinated inter-agency operations.

The analysis offered here challenges some beliefs that are widely held in both academic and policy circles. Officials and observers of the U.S. government often assume that inadequate coordination and turf battles are an inevitable, if regrettable, feature of the relationship between national security agencies.⁶ Theoretical underpinning for this view has been provided by influential models of bureaucratic politics, which hold that government agencies are strongly motivated by a commitment to their own parochial interests.⁷ From this perspective, clashes of bureaucratic interest make inter-agency turf wars a persistent and

⁵ These findings complement those of Philip H.J. Davies, *Intelligence and Government in Britain and the United States* (Denver: Praeger, 2012).

⁶ On this assumption, see *ibid.*, pp. 11-12. For examples, see: Ron Capps, “Langley Won’t Tell Us: How I Fought the Intelligence Turf Wars – and Lost,” *Foreign Policy*, January 11, 2010, available at: http://www.foreignpolicy.com/articles/2010/01/11/langley_wont_tell_us; Michael Sheehan, *Crush the Cell* (New York: Three Rivers, 2008), 175, 194.

⁷ Graham T. Allison, *Essence of Decision: Explaining the Cuban Missile Crisis* (Boston: Little, Brown, 1971). For discussions of how this model has been applied to U.S. and non-U.S. cases, see: Matthew Kroenig and Jay Stowsky, “War Makes the State, but Not as It Pleases: Homeland Security and American Anti-Statism,” *Security Studies*, 15:2 (2006), pp. 248-49; Klaus Brummer, “The Bureaucratic Politics of Security Institution Reform,” *German Politics*, 18:4 (2009): p. 503.

intrinsic feature of the national security landscape.⁸ But is this always the case? Are significant levels of inter-agency conflict really inevitable in the field of security? This article suggests that the answer is no. In some countries, such as the United States, we do indeed see agencies behaving as models of bureaucratic politics would expect. In other cases, such as the United Kingdom, however, there is a far lower degree of inter-agency conflict and a higher degree of coordination. We cannot account for this variation, I argue, without reference to institutions and routines. As fundamental features that appear in a variety of national settings, state institutions and organizational routines are analytically prior to bureaucratic politics, which appear in some cases but are largely absent from others.

This article adds a comparative perspective to the ongoing scholarly and policy debate on the organization of the United States' response to terrorism.⁹ To my knowledge, this is the first study to compare the causes and consequences of the U.S. counterterrorist system with that of another western democracy.¹⁰ The comparative method can offer additional analytical leverage, enabling one to better identify the precise conditions that have led to different outcomes across the cases.

It is crucial for any national response to terrorism to have an effective coordination of operations carried out by the various security agencies involved in the mission. Indeed, a series of terrorist attacks carried out in 2015 and 2016 highlighted how the coordination of counterterrorism is a salient issue not only in the United States but also in France, Belgium and many other countries. "Coordination" here refers to the process of organizing people or groups so that they work in a mutually supportive way towards a common goal.¹¹ Research indicates that inter-agency coordination is one of four elements that are particularly important

⁸ Kroenig and Stowsky, "War Makes the State, but Not as It Pleases," p. 249; Zegart, *Spying Blind*, p. 58.

⁹ See above, footnotes 1 and 4, and the reports cited below in the Conclusion.

¹⁰ This is notwithstanding Philip Davies' insightful comparative analysis on a related topic: the broader intelligence systems of the US and UK. See Davies, *Intelligence and Government*.

¹¹ Aaron Wildavsky, *Speaking Truth to Power: The Art and Craft of Policy Analysis* (New Jersey: Transaction, 1987), pp. 131-33.

for an effective operational approach to preventing terrorist attacks, the others being: precise and actionable intelligence; a robust but discriminate use of force; and international cooperation.¹² Inter-service coordination is important for putting together pieces of information, which may be dispersed across the nation's security agencies, in order to develop accurate intelligence on the overall threat and particular plots facing the country. Without effective coordination, there is also an increased risk that one agency's actions may compromise the intelligence, military, or arrest operations of another agency.¹³ Finally, as Bruce Hoffman argues, counterterrorism strategy can only work if it utilizes in a coherent way all the elements of national power against the challenge at hand. "Success," he writes, "will ultimately depend on how effectively the U.S. can build bridges within our own governmental structure and...improve the ability to prioritize and synchronize inter-agency operations."¹⁴

Full coordination may not be appropriate in every context. Public policy scholars such as Aaron Wildavsky and intelligence experts such as Gregory Treverton point out that duplication and redundancy may increase reliability and bring different perspectives to bear on a problem. Yet, as Treverton also points out, the kind of duplication that we observe in the U.S. case is not always this purposeful and is often wasteful and counter-productive instead.¹⁵

I also recognise the inherent difficulty of preventing terrorist attacks. Terrorist operatives usually operate inconspicuously in small cells, they blend in with the general

¹² See Dahl, "The Plots That Failed"; Bruce Hoffman and Jennifer Morrison-Taw, "A Strategic Framework for Countering Terrorism," in Fernando Reinares, ed., *European Democracies against Terrorism: Governmental Policies and Intergovernmental Co-operation* (Aldershot: Ashgate, 2000), pp. 7-22; Robert J. Art and Louise Richardson, eds., *Democracy and Counterterrorism: Lessons from the Past* (Washington, D.C.: United States Institute of Peace Press, 2007), pp. 563-96; Seth G. Jones and Martin C. Libicki, *How Terrorist Groups End: Lessons for Countering al Qaeda* (Washington, D.C.: RAND, 2008).

¹³ For example, an arrest operation by one service could halt the efforts of another to build a full intelligence picture of a terrorist network; or two agencies could both try to introduce informants into the same group, bringing a higher risk of raising suspicion.

¹⁴ Bruce Hoffman, "A Counterterrorism Strategy for the Obama Administration," *Terrorism and Political Violence*, 21:3 (2010), p. 370.

¹⁵ Wildavsky, *Speaking Truth to Power*, p. 132; Gregory Treverton, *Reorganizing U.S. Domestic Intelligence* (Santa Monica: RAND, 2008), pp. 29-33.

population and do their utmost not to reveal their plans to others. Consequently, there are, as Paul Pillar puts it, some “permanent and ineradicable” limits on the ability of intelligence and security agencies to prevent attacks.¹⁶ Good coordination is important for averting some of the more avoidable errors committed by security agencies and increasing their ability to prevent terrorism. But even the best organized security response will never be able to stop all attacks.

This article examines domestic intelligence and law enforcement agencies with responsibility for combating terrorism on the national territory. There are two main reasons for this focus. Firstly, as Erik Dahl’s research has shown, domestic intelligence and law enforcement activities are key to preventing terrorist attacks against America.¹⁷ Consider also the nature of the threat. Britain has faced a significant degree of ‘homegrown’ terrorism since 2003-04.¹⁸ In more recent years, U.S. citizens and residents have played an increasingly prominent role in Islamist terrorist plots against the United States.¹⁹ Responding to this evolution of the threat, the U.S. government has emphasized how the latest iteration of its counterterrorism strategy is the first one to “designate the homeland as a primary area of emphasis in our counterterrorism efforts.”²⁰ While it was the domestic/foreign dividing line between the Federal Bureau of Investigation (FBI) and the Central Intelligence Agency (CIA) that stymied efforts to uncover the 9/11 plot, the dividing lines between domestic agencies are of crucial importance in the current context. Given that most Islamist terrorist plots against the U.S. and the U.K. are being substantially prepared inside their respective homelands,²¹ it

¹⁶ Paul Pillar, “Intelligence,” in Audry Kurth Cronin and James Ludes, eds., *Attacking Terrorism: Elements of a Grand Strategy* (Washington DC: Georgetown University Press, 2004), pp. 115-16.

¹⁷ Dahl, “The Plots That Failed,” pp. 622, 627, 635.

¹⁸ Frank Foley, *Countering Terrorism in Britain and France: Institutions, Norms and the Shadow of the Past* (Cambridge: Cambridge University Press, 2013), pp. 28-32.

¹⁹ Peter Bergen, Bruce Hoffman and Katherine Tiedemann, “Assessing the Jihadist Terrorist Threat to America and American Interests,” *Studies in Conflict & Terrorism*, 34:2 (2011): pp. 65-101.

²⁰ Karen DeYoung “Brennan: Counterterrorism strategy focused on al-Qaeda’s threat to homeland,” *Washington Post*, June 29, 2011.

²¹ Bergen, Hoffman and Tiedemann, “Assessing the Jihadist Threat,” pp. 67-69, 91-93; Risa A. Brooks. “Muslim ‘Homegrown’ Terrorism in the United States: How Serious Is the Threat?” *International Security*, 36:2 (Fall 2011): pp. 27-29; Foley, *Countering Terrorism in Britain and France*, pp. 29-31.

is important to study how domestically-focused security agencies work or do not work together to identify and combat such threats.²²

The United States and the United Kingdom share some important characteristics – as liberal democracies based on the rule of law – and they have both been facing a significant threat from Islamist terrorism. Among western countries, the U.S. and U.K. have been the top priority targets of jihadist terrorism for most of the post 9/11 era.²³ Britain experienced the “7/7” London bombings in 2005, the killing of an off duty soldier, Lee Rigby, in London in 2013 and several other substantial plots by Islamist extremists, which were foiled. In the United States, the Boston bombings and the Fort Hood and San Bernardino shootings caused death and injury, while a number of substantial plots have been intercepted.²⁴ Overall, the U.S. and Britain have faced a broadly similar threat from Islamist terrorism during the period under study here.

The United States’ national security bureaucracy is much larger than that of Britain. However, any argument that size explains the two countries’ records on inter-agency coordination does not hold up, especially if we expand our comparative frame of reference. Studies have shown how – similar to the United States – the coordination of inter-agency operations has been problematic in two other prominent cases: France and Germany.²⁵ Yet both of these countries have national security bureaucracies of a comparable size to Britain – not to the U.S. If size was a key factor, we should not observe similar outcomes in America,

²² The distinction between domestic- and foreign-focused agencies is not absolute. While the FBI’s main focus is domestic, it is also very active overseas. The CIA concentrates mainly on foreign intelligence, but it also conducts a range of domestic activities.

²³ Mitchell D. Silber, *The Al Qaeda Factor: Plots against the West* (Philadelphia: University of Pennsylvania Press, 2012). France has also been a major target, especially in 2015.

²⁴ Brooks, “Muslim ‘Homegrown’ Terrorism,” pp. 27-29.

²⁵ Foley, *Countering Terrorism in Britain and France*, pp. 92-129; Julia Fleischer, “Coordination of Internal Security in Germany,” in Per Lægreid et al, eds. *Organizing for Coordination in the Public Sector: Practices and Lessons from 12 European Countries* (Basingstoke: Palgrave Macmillan, 2014), pp. 166-72.

Germany and France, with a different outcome in Britain. The fact that we do see such outcomes indicates that other factors are more important.²⁶

While the main objective of this article is to shed new light on a national security problem, the analysis also has broader theoretical implications. This is because the counterterrorist policy field can be seen as a hard test for institutional and organizational routine theories, particularly for their claim that historical legacies shape current policy in ways that reduce the likelihood of efficient outcomes. One might have assumed that such inefficiencies would have been stamped out more than fourteen years after 9/11 – given that the protection of citizens from Islamist terrorism is one of the highest priorities of the U.S. government. This has not been the case, however. Since a focus on institutional legacies and organizational routines explains much about how government performs, not just on low-level issues, but also in this top priority area of policy, I argue that the theories have passed a difficult test.

The article proceeds in five steps. The first section critiques both bureaucratic politics explanations of security agency behaviour and a second widely used approach – that of organizational culture. I outline my alternative analysis in the next two sections, which discuss in turn the role of national institutions and the influence of organizational routines in the field of security. These two sections are structured similarly, each beginning with a theoretical discussion, followed by an outline of the relevant institutions or routines in the U.S. and British cases respectively. It is the interaction of these two factors, I argue, that best explains the performance of the two countries on the development of inter-agency intelligence and operations against Islamist terrorism. Evidence is presented for this argument in the case of the United States in the fourth section and Britain in the fifth section. The conclusion presents the implications of these findings for theory and practice, arguing that an emphasis

²⁶ See also Davies, *Intelligence and Government*, vol. 1, 9.

on institutions and routines offers not only a new explanation but also provides a realistic framework for analyzing the viability of proposals for national security ‘reform’ in the United States. The article draws on a range of sources, including author interviews with thirty-four current and former counterterrorist officials in the U.S. and the U.K.

Beyond bureaucratic politics and organizational culture

When asked to account for organizational problems in field of national security, analysts often refer to either the bureaucratic politics of security agencies or to negative cultural characteristics of these agencies. The most important proponent of the bureaucratic politics paradigm in recent decades has been Graham Allison, starting with his widely-read 1971 study of the Cuban missile crisis, *Essence of Decision*. Though this work actually contained three models, it was Model III – “Government Politics” – that proved most influential.²⁷ This model holds that government officials are “substantially affected by” the worldview and bureaucratic interests of their own particular department or agency.²⁸ Drawing on Allison, Matthew Kroenig and Jay Stowsky write that government agencies are constantly seeking “to protect their own parochial interests” and maximize “their own autonomy, resources and prestige.” Applying this perspective to counterterrorism, they trace how the FBI and other agencies protected their own interests in domestic intelligence in the years after 9/11.²⁹ In similar vein, Amy Zegart writes that U.S. national security officials engage in a “zero-sum battle for agency autonomy and power.” For her, this strong commitment to narrow bureaucratic interest partly explains the prevalence of inter-organizational conflict, the inadequacy of inter-agency coordination and the failure of the U.S. government to effectively

²⁷ David A. Welch, “The Organizational Process and Bureaucratic Politics Paradigms: Retrospect and Prospect,” *International Security*, 17: 2 (1992), pp. 112, 120.

²⁸ Allison, *Essence of Decision* (1971), pp. 166-8, 176; Graham T. Allison and Philip Zelikow, *Essence of Decision: Explaining the Cuban Missile Crisis* (New York: Longman, 2nd Ed, 1999), p. 307.

²⁹ Kroenig and Stowsky, “War Makes the State, but Not as It Pleases,” pp. 248-249, 259-265.

re-organize its intelligence agencies after 9/11.³⁰ Yet, while such explanations capture some of the dynamics of government, it may be misleading to place them centre-stage in one's analysis. A comparison of security agencies in different national settings reveals the limitations of a bureaucratic politics perspective. It cannot explain why organizations with similar bureaucratic interests do not act in the same way in the field of inter-agency counterterrorism. In particular, if the model was accurate, we should see Britain's security agencies engaging in turf battles to maximize their interests. However, as a subsequent section of this article will show, we do not observe such battles.³¹

A second widely-accepted analysis is that the organizational cultures of U.S. security agencies are at least partly responsible for the outdated or ineffective aspects of their response to terrorism.³² Culture is usually understood to be the values, beliefs and identities of an organization's employees. While these cultural analyses have offered useful insights into some issues,³³ they have not provided a robust explanation for why inter-agency coordination problems persist in the United States. For example, in Amy Zegart's analysis of the CIA, one of the main "cultural pathologies" identified is a "debilitating sense of agency parochialism," according to which CIA personnel developed a strong sense of loyalty to their home agency, rather than to the intelligence community as a whole. Zegart argues that this parochial culture partly explains why some CIA officials avoided sharing information with other agencies prior to 9/11. In other words, inward-looking behaviour is said to stem from an inward-looking or parochial "culture". This explanation conflates the dependent and independent variables. Similarly, "resistance to change" is identified as a characteristic of CIA culture and used to

³⁰ Zegart, *Spying Blind*, pp. 58, 98-99, 114, 153, 179-82. In a three-part explanation, Zegart argues that organizational culture and the fragmented federal government also contributed to these failures (see below).

³¹ For similar critiques, see Davies, *Intelligence and Government*, vol. 1, pp. 11-12; and Welch, "The Organizational Process and Bureaucratic Politics Paradigms," pp. 128-30.

³² On the influence of this concept, see: Hamilton Bean, "Organizational Culture and US Intelligence Affairs," *Intelligence and National Security* 24:4 (2009), pp. 488-90.

³³ For an analysis of how the FBI's law enforcement culture compromised its intelligence programme, see Zegart, *Spying Blind*, pp. 123-51, 189-193.

explain the agency's failure to undergo meaningful change or reform.³⁴ In these sections of Zegart's analysis, it seems that "culture" is just shorthand for bad practices. Furthermore, it is not clear that the concept of organizational culture can help us to explain variation across national settings. Why does Britain have less coordination problems than the United States – because it has a 'good' or unified inter-agency culture? And what would explain why the culture of the British agencies is good, while that of the American agencies is 'bad' or parochial? Rather than focusing on broad conceptions of culture, it may be more fruitful to base our analysis on more specific concepts that have been developed in the literatures on institutions and organizational routines.

How national institutions affect security agencies

The next two sections will trace the relationship between the "macro" institutions of the nation state and the "micro" organizational processes of security agencies. I draw on the "institutionalist" literature, which argues that, at the very least, institutions can be understood to comprise formal rules and procedures, such as "the rules of a constitutional order" and "the standard operating procedures of bureaucracy."³⁵ One strand of the literature – sociological institutionalism – stresses how these rules and procedures are underpinned by legitimising ideas or norms.³⁶ For example, as will be outlined below, the rules and procedures of the U.S. constitution concerning the separation of powers cannot be considered in isolation from the anti-statist ideas and norms of American society which underpin them. For the purposes of this article, institutions are defined as the formal rules, procedures and political norms which regulate the relationships between units of government (such as the legislature, executive branch departments, and state and local governments).

³⁴ Ibid., pp. 64, 67-68, 89-94, 104, 113-14.

³⁵ Peter A. Hall and Rosemary Taylor, 'Political Science and three new institutionalisms,' *Political Studies*, 44:5 (1996), p. 938.

³⁶ Ibid., pp. 947-48.

Institutions are circumscribed by their historical origins. As Lynn Eden has written, the institutionalist literature “do[es] not assume rational, efficient or adaptive outcomes” but instead stresses “how older ways of understanding and acting persist” and shape governments’ solutions to the problems they face.³⁷ Institutions thus develop in a “path dependent” manner, as Walter Powell explains: “Choices made at one point in time create institutions that generate recognizable patterns of constraints and opportunities at a later point,” he writes. Outcomes cannot be explained simply by “the preferences of actors... but must be explained as the product of previous choices.”³⁸ Institutionalists analyze how such choices can become self-reinforcing and may even become “locked-in” or resistant to radical reform. Institutions can and do change but new developments will usually be broadly compatible with and follow the same logic as the existing institutional order.³⁹ These theoretical expectations are well exemplified in the case of the United States’ political institutions.

America’s anti-statist institutions

The long-standing American suspicion of state power has a profound effect on its institutions of government. Anti-statism has been an important feature of U.S. political life from the foundation of the republic to the Cold War and the post 9/11 period.⁴⁰ Reflecting this widespread wariness of the excessive concentration of power, the Constitution sets out how

³⁷ Lynn Eden, *Whole World on Fire: Organizations, Knowledge and Nuclear Weapons Devastation* (Ithaca: Cornell University Press, 2004), p. 51.

³⁸ Walter W. Powell, “Expanding the scope of institutional analysis”, in *The New Institutionalism in Organizational Analysis*, eds. Paul J. Di Maggio and Walter W. Powell (Chicago: University of Chicago Press, 1991), pp. 188-189.

³⁹ Kathleen Thelen, “Historical Institutionalism in Comparative Politics,” *Annual Review of Political Science*, 2 (June 1999), p. 386. While Thelen’s later work has a rather different emphasis – on institutional change – this is not directly relevant to the institutions and time period considered in this article.

⁴⁰ Aaron L. Friedberg, *In the Shadow of the Garrison State: America’s Anti-Statism and Its Cold War Grand Strategy* (New Jersey: Princeton University Press, 2000); Kroenig and Stowsky, “War Makes the State, but Not as It Pleases,” pp. 250-54.

institutional authority in the United States must be divided.⁴¹ Building on work by Amy Zegart and Martha Crenshaw, we may identify three types of division and decentralization in U.S. institutions that are particularly relevant to counterterrorism. First, regarding the separation of powers between the three branches of national government, Zegart has shown how the presence of a strong legislature, independent of the executive branch, means that the design and reform of national security agencies is subject to messy political compromises.⁴² Second, as a federal union, the United States has multiple levels of government – national, state and local – which reflect the political importance of the states as well as a long-standing determination to forestall the development of an excessively powerful central government.⁴³ While the U.S. has a national investigations bureau – the FBI – it does not have a national police force partly because of fears that this would represent an excessive concentration of coercive power on the domestic scene.⁴⁴ This power is decentralized rather to state and local governments, which have their own police departments. Apart from constitutionally-ordained diffusions of power, a third key factor is the tendency towards fragmentation even within the national executive branch. Responsibility for dealing with terrorism is widely distributed across the federal government to agencies such as the FBI, the Department of Homeland Security (DHS) and the Department of Defense (DOD).⁴⁵ Indeed, there is a general tendency towards the proliferation of executive branch agencies in the field of security, whether it is America's 16 intelligence services, for example, or its various federal law enforcement organizations.

The divided nature of U.S. institutions has three effects of particular interest to us here. Firstly, the combination of federalism and a fragmented executive branch has produced

⁴¹ Richard S. Katz, *Political Institutions in the United States* (Oxford: Oxford University Press, 2007), pp. 3, 9-11.

⁴² Zegart, *Spying Blind*, pp. 58-59, 172-182.

⁴³ Katz, *Political Institutions*, pp. 11, 35-6.

⁴⁴ Ronald D. Hunter, "Three Models of Policing," *Police Studies* 13:3 (1990), pp. 118-124.

⁴⁵ Martha Crenshaw, "Counterterrorism Policy and the Political Process," *Studies in Conflict & Terrorism* 24:5 (2001), pp. 330-32.

a large number of domestic police and intelligence agencies with important roles in the American response to terrorism. Secondly, divided institutions have also led to a dispersion of authority in the field of counterterrorism. Thirdly, messy political compromises in Congress or between Congress and the executive branch have contributed to a situation in which the jurisdictions of security agencies often overlap or are unclear. Within the legislative branch, various congressional committees seek to maintain their own importance by ensuring that the security agencies and departments that they oversee play a role in crucial missions such as counterterrorism. This favours dividing such missions or creating overlapping jurisdictions so that multiple agencies and congressional committees all get a ‘piece of the action.’⁴⁶ These three features of U.S. counterterrorism are considered in more detail below.

Britain’s centralized institutions

Britain has a more centralized set of institutions than the United States, organized around a powerful executive branch, which is usually supported by its majority in Parliament.⁴⁷ Since 1999, Westminster has devolved considerable powers to elected assemblies in Wales, Scotland and Northern Ireland, as well as to local government. Yet this reform did not lead to any major changes in the institutional structures and rules most relevant to policing, counterterrorism and national security.⁴⁸ In the area of general law enforcement, there is a network of 51 police forces spread across Great Britain. However, counterterrorist law enforcement has long been organized from the centre by the London Metropolitan Police. The domestic intelligence agency, the Security Service – or MI5 – is responsible for developing intelligence on terrorist threats. Both the police and MI5 report to the UK’s interior ministry,

⁴⁶ I thank an anonymous reviewer for this point. See also Zegart, *Spying Blind*, pp. 58, 59.

⁴⁷ David Judge, *Political Institutions in the United Kingdom* (Oxford: Oxford University Press, 2005), pp. 24-31, 79, 119, 163-220.

⁴⁸ One exception to this was the creation of a Mayor of London with some powers over the Metropolitan Police.

the Home Office, and there is little evidence in the British government of the kind of fragmentation that one observes in the American executive branch.⁴⁹

In the context of its more centralized institutions, Britain differs from the United States along three key dimensions. The number of agencies with important roles in the British domestic response to terrorism is lower than in the United States, while authority over counterterrorism in the U.K. has been concentrated in central government. Thirdly, in the context of a generally acquiescent legislature (unlike the assertive American Congress), the parliamentary majority tends to follow the government's lead on security issues, avoiding the need for the sorts of political compromises that have led to overlapping agency jurisdictions in the U.S. We shall return to these three features of U.K. counterterrorism in the next section.

The organizational routines of security agencies

National institutions help to form the structures and routines of counterterrorist agencies. Yet these organizational routines also take on a significance and a momentum of their own, which has a major impact on the quality of inter-agency responses to terrorism. For James March, organizational action stems less from a logic of consequences (the considered weighing of alternatives, envisaged by rational choice theory) and more from a logic of appropriateness. This means that organizations tend to resort to pre-existing repertoires of action when they recognise a situation “as being of a familiar, frequently encountered, type.”⁵⁰ Where organizational responses are marked by the appearance of such recurrent patterns of action, March considers them to be instances of “routinized” activity.⁵¹ Such organizational routines

⁴⁹ Judge, *Political Institutions*, pp. 117-62; Hunter, “Three Models of Policing,” pp. 122-3.

⁵⁰ See the “Introduction to the Second Edition” in James G. March and Herbert A. Simon, *Organizations* (Cambridge MA: Blackwell, 1993), p. 8.

⁵¹ James G. March and Herbert A. Simon, *Organizations* (New York: Wiley, 1958), p. 142.

are commonly defined as “recurrent interaction patterns” between multiple actors within *and across* organizations.⁵²

Similar to national institutions, organizational routines tend to develop in a path dependent manner. Markus Becker emphasizes that while routines can change in response to challenges in the external environment, choices made in the past also have “feedback effects” which favour the continuation of certain routines and make the development of others less viable.⁵³ Actors also tend to reproduce organizational routines in habitual and unreflective ways.⁵⁴ Such routines are all the more powerful because they are not up for debate and are taken for granted in their particular contexts. It is through these path-dependent and habit-based mechanisms that historically-grounded routines shape organizations’ responses to contemporary challenges.⁵⁵

Organizational routines are context-specific and may “strongly differ” across cases.⁵⁶ Considering the routines of counterterrorist agencies in various national settings, the key differences between them may be captured in the concepts of *formal* and *informal* organizational routines – two terms that have a specific meaning in the context of this study. In this article, a formal routine is indicated by the presence of regularized interaction patterns between agencies, based on rules laid down by a central authority. Conversely, an informal organizational routine is indicated by the presence of irregular interaction patterns between agencies, based on interpersonal relationships.⁵⁷ I argue that the American counterterrorist

⁵² Markus C. Becker, “Organizational routines: a review of the literature,” *Industrial and Corporate Change*, 13:4 (2004), pp. 645-647.

⁵³ *Ibid.*, p. 653.

⁵⁴ Organization theorists differ on whether actors reproduce routines in unreflective ways or as a result of “effortful accomplishment;” see *ibid.*, pp. 648-649. The cases examined here tend to support the former thesis.

⁵⁵ Frank Foley, “Reforming Counterterrorism: Institutions and Organizational Routines in Britain and France,” *Security Studies*, 18:3 (2009), pp. 444, 457.

⁵⁶ Becker, “Organizational routines,” p. 651.

⁵⁷ Interpersonal relationships are important in all organizational settings since they facilitate smooth collaboration between individuals on particular tasks. The key distinction, however, is that the quality of interaction between entire agencies is dependent on interpersonal relations in an informal routines setting, whereas in a formal setting the quality of interaction between agencies does not depend on such relationships.

agencies rely for the most part on informal organizational routines, while their British counterparts' routines are formal in nature.

Macro institutions hold an important key to understanding why micro organizational routines may differ across national settings. As outlined above, national institutions have an important influence on three key variables; what we may call the antecedent *structural conditions* of organizational routines. These are (each followed by two ideal types): (i) the number of core counterterrorist agencies in the country (few/many);⁵⁸ (ii) the nature of their respective jurisdictions (distinct/overlapping); and (iii) the distribution of authority between agencies (concentrated/dispersed). Variation in these structural conditions gives rise to different types of organizational routines, which in turn shape levels of inter-agency conflict and cooperation. The four stages of this analysis are outlined in Figure 1.⁵⁹

FIGURE 1: A model of inter-agency counterterrorism

National Institutions	Structural conditions	Org. Routines	Outcomes
(Centralized /Divided) →	(i) number of core agencies (ii) nature of jurisdictions (iii) distribution of authority	(Formal / Informal) →	Different degrees of co-operation between core counterterrorist agencies

In the remainder of this section, I outline how the three structural conditions helped to shape the development of different organizational routines in the American and British cases.

The United States' informal routines

The organization of U.S. domestic counterterrorism is complex and dispersed, with several core agencies playing a central role in the effort. While the FBI has “lead responsibility” for both counterterrorist intelligence and law enforcement, its jurisdiction over these areas

⁵⁸ By “core” agencies, I mean those agencies that have the authority and capability to play a leading role in domestic counterterrorist intelligence or law enforcement activities.

⁵⁹ This model draws on: Markus Becker, “A framework for applying organizational routines in empirical research: linking antecedents, characteristics and performance outcomes of recurrent interaction patterns,” *Industrial and Corporate Change*, 14: 5 (2005), pp. 823-827.

overlaps with that of DHS, DOD and state and local police forces.⁶⁰ As noted above, these overlapping or unclear jurisdictions are sometimes the result of messy political compromises. Thus, in 2002, pressure from Congress led to the foundation of DHS, which was given a broad mission to prevent and respond to terrorism within the United States. The department was also mandated to develop its own Office of Intelligence and Analysis with responsibilities that overlapped with those of the FBI.⁶¹ That same year, Congress passed legislation that consolidated DOD intelligence activities under a weighty new position, the Under Secretary of Defense for Intelligence. DOD units increasingly gathered terrorism intelligence within the United States, overlapping with the FBI's intelligence mission. In 2011, following a compromise between the legislative and executive branches, Congress mandated DOD to play a role in the detention of foreign terrorist suspects arrested in the United States, stepping this time into areas of the FBI's law enforcement mission.⁶² Beyond the federal government – at state and local level – the police forces of large cities such as the Los Angeles Police Department and in particular the New York Police Department (NYPD) also have significant counterterrorist investigative units of their own with missions which overlap with that of the FBI. Overall, as Gregory Treverton has written, there is “confusion and ambiguity about the roles of particular agencies” and “uncertainty about who is responsible for what parts of the effort.”⁶³ One bureaucratic actor at the centre of government – the Assistant to the President for Homeland Security and Counterterrorism – oversees counterterrorist policy and operations, but she lacks the authority to direct departments and

⁶⁰ George W. Bush, “Homeland Security Presidential Directive/HSPD-5,” February 28, 2003, available at: <http://www.fas.org/irp/offdocs/nspd/hspd-5.html>

⁶¹ Ibid; *Homeland Security Act of 2002*, Public Law 107-296, November 25, 2002, http://www.dhs.gov/xabout/laws/law_regulation_rule_0011.shtm, Sections 101 and 201; Zegart, *Spying Blind*, pp. 172-5. Initially given a different title, the office assumed this name in 2005.

⁶² National Defense Authorization Act for Fiscal Year 2012, Section 1022.

⁶³ Treverton, *Reorganizing U.S. Domestic Intelligence*, p. 26.

agencies.⁶⁴ Authority over domestic counterterrorism is dispersed rather across the key agencies, most notably, the FBI, DOD and DHS.

The presence of several core agencies with overlapping jurisdictions, generally not subject to direction by a central authority, are conditions that have given rise to informal organizational routines between the U.S. counterterrorist services. A former senior DHS intelligence official illustrated this dynamic: “you do have, legitimately, FBI and DHS components all saying ‘We have the jurisdiction... to run that investigation.’ And really, they’re all right. They’re all correct.” The response to such jurisdictional overlap, he explained, was to “rely on [interpersonal] relationships... you have to negotiate that stuff out, and what I tried to do in my job was have as many meetings and build as many relationships as I could across the country with state and local people, FBI people, National Guard people. You name it, I was out making relationships.” In order to work with other agencies, he underlined, “you gotta meet these guys and they gotta trust you... that you’ll protect their secrets and that you’ll help them as much as you can.”⁶⁵ Though such efforts usually bore fruit, they also meant that interactions between the agencies often relied on ad hoc negotiations and thus did not follow a regular pattern. As one experienced FBI agent put it: “A lot of the way in which we work is personality-driven, and so, you could have a Special Agent in Charge [of an FBI Field Office] who has got a great relationship with the Police Commissioner of City X, but once one of those guys leaves and they don’t like each other any more, the relationship could sour very quickly.”⁶⁶ Also speaking about informal inter-agency relationships, a former senior FBI counterterrorist agent made a revealing comment: “those issues take vast quantities of energy to resolve everyday. It’s amazing the tending [to

⁶⁴ Project on National Security Reform, *Towards Integrating Complex National Missions: Lessons from NCTC’s Directorate of Strategic Operational Planning* (Washington, D.C.: February 2010), p. 9.

⁶⁵ Interview with a former senior DHS intelligence official [US-L], Philadelphia, September 14, 2009. The practitioners who were interviewed for this project requested that their statements should not be attributed to them personally, although most agreed that a description of their job could be included.

⁶⁶ Interview with an FBI counterterrorist agent [US-K], Washington D.C., December 11, 2008.

relationships] that is required, and if you ignore it or don't tend to it appropriately, there are breakdowns, and then lack of cooperation.”⁶⁷ Overall, there was a general recognition among the practitioners who were interviewed that U.S. inter-agency counterterrorism relies heavily on informal routines.

Britain's formal routines

In Great Britain, from the early 1990s until 2006, responsibility for domestic counterterrorist intelligence and law enforcement lay with relatively few agencies: one domestic intelligence service – MI5 – and two branches of the London Metropolitan Police, which performed distinct missions. The police's “Special Branch” gathered intelligence on terrorism, while its “Anti-Terrorist Branch” was responsible for law enforcement. The leading counterterrorist official at the Metropolitan Police is also the Senior National Coordinator of Terrorist Investigations and the London force has for decades had a mandate to investigate terrorist activity anywhere in Great Britain, supported by local police forces.⁶⁸ A central authority – the government – issued clear guidelines to the agencies, which stated from 1992 that MI5 was the “lead agency” on terrorism intelligence and that Special Branch's role was to “assist” MI5 in this area.⁶⁹ These guidelines also stated that Special Branch must provide all of its terrorism intelligence to MI5.⁷⁰ While MI5 has primacy over counterterrorist intelligence, the agency has no competence in law to make arrests or do police-type investigations. Counterterrorist law enforcement is the exclusive competence of the British police. With their respective roles set out in legislation and government guidelines, the law enforcement and

⁶⁷ Interview with a former senior FBI counterterrorist agent, with secondment experience in the White House [US-P], Northern Virginia, September 16, 2009.

⁶⁸ Foley, *Countering Terrorism in Britain and France*, pp. 130, 160-61.

⁶⁹ Foley, “Reforming Counterterrorism,” p. 447. Outside London, a network of provincial Special Branches also had a mandate to gather terrorism intelligence, but their resources and involvement paled in comparison to that of the Metropolitan Police Special Branch.

⁷⁰ Home Office, Scottish Executive and Northern Ireland Office, *Guidelines on Special Branch Work in the United Kingdom*, March 2004, p. 8.

intelligence services working on counterterrorism in Great Britain have had a clear understanding of the division of labour between them over the last two decades.⁷¹

Thus, in contrast to the U.S., Britain has relatively few core counterterrorist agencies, each of which has a distinct jurisdiction and operates on the basis of rules laid down by a central authority. These conditions have led Britain's counterterrorist police and its domestic intelligence agency to adhere to a set of formal organizational routines, notably by developing procedures for regularized cooperation between their units. Whereas the interaction between the agencies in the United States tends not to follow a regular pattern, Britain's MI5 and its police appear to begin with an assumption that their officers will be regularly doing operations together. MI5 desk officers have a mandate to task operatives from both their own agency and from police Special Branch. Indeed, MI5 and Special Branch agents have worked together even on sensitive tasks like the recruitment or handling of informants.⁷² When a particular case reaches a critical point, an Executive Liaison Group (ELG) of MI5 and police investigators is formed to make an operational decision on the case. Reflecting the police's lead responsibility for law enforcement, the chair of the ELG is a police officer and it is the police who have the final say on whether, when and how the suspects will be arrested.⁷³ As we shall see below, the formal routines of the British agencies were reinforced in the years after 9/11.

Explaining levels of inter-agency coordination in the United States

The next two sections will treat of the United States and Britain in turn, tracing how their divergent institutions and organizational routines have shaped the degree of inter-agency cooperation and conflict found in the two cases. In the U.S., significant coordination problems

⁷¹ Foley, *Countering Terrorism in Britain and France*, p. 132.

⁷² For details, see *ibid.*, pp. 133-34.

⁷³ Intelligence and Security Committee, *Could 7/7 Have Been Prevented? Review of the Intelligence on the London Terrorist Attacks on 7 July 2005*, Cm 7617 (London: TSO, May 2009), p. 8.

have affected intelligence work and operations against terrorism, according to several expert reports by organizations such as the Government Accountability Office, the Project on National Security Reform and the Bipartisan Policy Center (BPC).⁷⁴ In a 2011 report, the BPC's national security group, which is a follow-on from the 9/11 Commission, echoed a widely-held view when it identified an improvement in cooperation between the CIA and the military against terrorism. It cautioned, however, that "on the domestic side, there has been less unity of effort and much slower progress among multiple agencies..."⁷⁵ Such assessments are borne out when we examine the relationships between arguably the four most important agencies in U.S. domestic counterterrorism: the FBI, DHS, DOD and the NYPD. This section considers firstly the relationship between FBI and DHS; secondly, the FBI's interaction with DOD (including the case of the 2009 Fort Hood shooting); and thirdly, the FBI's coordination with the NYPD (including their prevention of the Najibullah Zazi-led plot to attack New York in 2009). It will also assess the significance of post-9/11 reforms and improvements to information-sharing among U.S. agencies. The FBI's prominence in the analysis reflects its role as the agency with lead responsibility in US domestic counterterrorism – but one that takes part in a complex set of relationships as several other organizations play an increasingly important role.

FBI and DHS

In the years following the establishment of DHS in 2002, its Office of Intelligence and Analysis (I&A) became a member of the US Intelligence Community and began working on domestic terrorism intelligence. The FBI remained the lead federal agency for terrorism intelligence within the United States. However, the broad and unclear nature of the DHS

⁷⁴ Government Accountability Office, *Information Sharing Environment: Better Road Map Needed to Guide Implementation and Investments*, GAO-11-455 (Washington, D.C.: July 21, 2011), pp. 2, 10-11, 14; Project on National Security Reform, *Towards Integrating Complex National Missions*, pp. 1-2.

⁷⁵ National Security Preparedness Group, *Tenth Anniversary Report Card: The Status of the 9/11 Commission's Recommendations* (Washington, D.C.: Bipartisan Policy Center, September 2011), pp. 7, 11.

intelligence mission and its overlap with that of the FBI enabled the new organization to take an expansive view of its mission. A CIA veteran, Charlie Allen, was appointed head of I&A in 2005 and, according to a close colleague of his at DHS, “[Charlie] wanted to do everything” in the field of terrorism intelligence analysis, from “borders” to “prison radicalization” to “homegrown terrorists” and beyond. It was “a very big agenda.” Yet even as I&A moved into aspects of intelligence analysis traditionally conducted by the FBI, he admitted, “we didn’t have good connectivity with each other.” Sometimes “there was duplication of effort” between DHS and FBI which “could have been avoided if we’d had better cooperation.” He wondered “whether we were all doing the same things in a vacuum: whether we’re working on a Somali issue for Columbus, Ohio; they’re working on a Somali issue for Columbus, Ohio. So you’ve got two teams doing the same thing. Would it be better if maybe they can combine?”⁷⁶

This duplication of effort was confirmed by one FBI counterterrorist agent, though he doubted the value of coordination with the DHS intelligence office: “[DHS/I&A] were trying to get their oars in the water in a way that I think was repetitive and actually hurt the mission, because people were spending time away from actually doing things to now having to coordinate with somebody who really had nothing, no value added.”⁷⁷ At one point, some I&A officials felt that they were receiving insufficient information from the FBI, he added, and “there was a lot of animosity.” If they did get some information, they would “start digging along by themselves”, he said. When this intelligence work was presented back to the FBI, it would not go down well, according to the agent: “The FBI guy would [say], ‘well, we actually knew that. We’ve been doing this forever, you should have asked us to begin with, now please stop.’ There was still a lot of that going on.”⁷⁸

⁷⁶ Interview with a former senior DHS intelligence official [US-L], Philadelphia, September 14, 2009.

⁷⁷ Interview with an FBI counterterrorist agent [US-K], Washington D.C., December 11, 2008.

⁷⁸ Ibid.

Charlie Allen left his post at I&A in 2009 and though his successors may not have taken as expansive a view of DHS intelligence as he, the conditions favoring conflict between DHS and FBI remain. Unclear and overlapping missions mean that the two sides have different understandings of the appropriate division of labor between them in the field of intelligence analysis. A former senior official summed up the view from DHS: “they [the FBI] are a prosecutorial department; we’re not. We’re an intelligence department.” DHS had to remain engaged in mainstream terrorism intelligence, he believed, because it was more attuned to the need to build a broad intelligence picture than the FBI with its focus on arrests and evidence.⁷⁹ FBI officials reject that characterization, pointing to their efforts to develop a fully-fledged intelligence program.⁸⁰ From their point of view, the FBI is responsible for developing intelligence on terrorist trends and networks, while DHS (I&A) should concentrate on analyzing the potential for terrorist threats to expose vulnerabilities in the United States’ critical infrastructure, border security and other areas relevant to DHS’s component agencies.⁸¹

The FBI and DHS have also been at cross-purposes concerning who has primary responsibility for fostering cooperation between the different levels of America’s federal system. They do work together to produce joint intelligence reports and bulletins that are disseminated to state and local governments and police.⁸² At the same time, however, the two agencies are in charge of parallel networks that have a very similar *raison d’être* to coordinate information-sharing on terrorism between the federal and state and local authorities. Since the 1980s, state and local police forces have increasingly participated in FBI-led Joint Terrorism Task Forces (JTTFs). Now existing in over 100 cities and states around the U.S., JTTFs

⁷⁹ Interview with a former senior DHS intelligence official [US-L], Philadelphia, September 14, 2009.

⁸⁰ See Gregory F. Treverton, *Intelligence for an Age of Terror* (New York: Cambridge University Press, 2009), 121-4; and Zegart, *Spying Blind*, pp. 189-93.

⁸¹ Three FBI officials (US-K; US-M; and US-N) expressed this view.

⁸² Interview with a senior DHS official [US-O], Washington D.C., September 28, 2010; Michael W. Studeman, “Strengthening the Shield: U.S. Homeland Security Intelligence,” *International Journal of Intelligence and Counterintelligence*, 20:2 (2007), p. 211.

enable joint investigations and intelligence-sharing on terrorism between federal and local agencies. A Washington-based National JTTF manages these local task forces and acts as a national focal point for terrorism information-sharing between operational agencies.⁸³ After 9/11, however, Congress also gave the DHS intelligence office a substantial mandate in this area. As its website proudly states, “I&A has a unique mandate within the Intelligence Community and is the federal government lead for sharing information and intelligence with state [and] local... governments.”⁸⁴ Since 2003, DHS has also used its grant money to promote the creation of inter-agency fusion centres in states and cities, which perform information-sharing tasks some of which are similar to those conducted at the FBI-led JTTFs.⁸⁵ The FBI’s level of engagement with these fusion centres varies considerably and only about one-third of the centres are viewed as effective.⁸⁶ Asked about the various FBI and DHS-led networks, one FBI counterterrorist agent referred to them as “surreal parallel environments,” which were “very cumbersome and tiresome to deal with.”⁸⁷ A former senior DHS official also acknowledged that these parallel networks “are at times very redundant.” There is, he said, “so much room for improvement” in this area.⁸⁸ Rather than seeing it as purposeful, officials within the FBI and DHS view the duplication of effort and rivalry between their two agencies as a cumbersome obstacle to their development of terrorism intelligence.

FBI and DOD

⁸³ FBI, “Protecting America,” https://www.fbi.gov/about-us/investigate/terrorism/terrorism_jtfts.

⁸⁴ DHS “More about the Office of Intelligence and Analysis Mission,” <http://www.dhs.gov/more-about-office-intelligence-and-analysis-mission>.

⁸⁵ Matt A. Mayer, “More Bad News for DHS Intelligence Capabilities,” January 7, 2010:

<http://www.nationalreview.com/corner/192482/more-bad-news-dhs-intelligence-capabilities/matt-mayer>.

⁸⁶ 9/11 Review Commission, *The FBI: Protecting the Homeland in the 21st Century* (Washington D.C., 25 March 2015), pp. 82-83, 97.

⁸⁷ Interview with an FBI counterterrorist agent [US-K], Washington D.C., December 11, 2008.

⁸⁸ Interview with a former senior DHS intelligence official [US-L], Philadelphia, September 14, 2009.

The Department of Defense has taken on an increasing role in the United States' domestic response to Islamist terrorism since 9/11. Between 2002 and 2005, DOD expanded its main domestically-focused intelligence unit to 1,000 staff with the authority to give orders to a further 4,000 military investigators in the United States, making its potential counterterrorist investigatory ranks comparable to the FBI's.⁸⁹ The role of DOD domestic intelligence is to protect military bases in the U.S. from terrorist attack and conduct counterintelligence activities to safeguard the military from potential double agents or insider threats. However, this mission was interpreted broadly to include more general investigations into terrorist activity. For example, the Army's 902nd Military Intelligence Group launched a programme under which its special agents and analysts gathered intelligence and made assessments on the general terrorist threat to the U.S. homeland from Al Qaeda, Hezbollah and other groups. Because of the U.S. system's informal routines, the 902nd was able to take this independent initiative to carry out work already covered in depth by the FBI and other agencies at the expense of giving full attention to its own core missions.⁹⁰ On the other side, the FBI has arguably been overzealous in insisting that it should have lead responsibility for investigating members of the U.S. military suspected of involvement in terrorism. As a Senate Committee report has detailed, DOD disputes the FBI claim and insists that it should have the lead in this area.⁹¹ These kinds of incursions across fuzzy jurisdictional boundaries had two negative consequences in the case of Army Major Nidal Hasan, an Islamist extremist who killed thirteen DOD employees and wounded 32 others at the Fort Hood military base in Texas in November 2009.

⁸⁹ Zegart, *Spying Blind*, pp. 183-4. The intelligence unit – Counterintelligence Field Activity – was merged into a new organization within DOD in 2008, the Defense Counterintelligence and Human Intelligence Center.

⁹⁰ Dana Priest and William M. Arkin, *Top Secret America* (New York, Little, Brown and Company, 2011), pp. 94-95.

⁹¹ Senate Committee on Homeland Security and Government Affairs, *A Ticking Time Bomb*, pp. 67-69.

Firstly, the Army's 902nd Military Intelligence Group – distracted by its 'external' activities – did not focus sufficiently inwards to detect Major Hasan's radicalization.⁹² Secondly, a lack of cooperation between FBI and DOD played a role in their inability to identify the risk posed by this individual. When Hasan sent several emails to a known inciter of Islamist terrorism, Anwar al-Awlaki, in 2008-09, the FBI decided to open an investigation into the army major. The FBI at that time tended to informally share information with DOD about such investigations into DOD employees (officials from both agencies work together on JTTFs around the country, and a later FBI review found that information about such investigations was shared in the vast majority of cases).⁹³ However, these informal routines did not serve them well on this occasion because the FBI did not share its information about Hasan with DOD counterintelligence officials. This was a significant error, according to a Senate Committee investigation into the shooting, because DOD counterintelligence was better placed to evaluate the threat posed by its service member and would likely have mounted a deeper probe into Hasan at the very least as a potential espionage risk.⁹⁴ Instead, however, the investigation wound down in mid-2009 without any action being taken against Hasan.

In the aftermath of Major Hasan's attack on Fort Hood later that year, the FBI itself recognised that its coordination with DOD had been suboptimal. The Bureau introduced procedures to ensure that all of its counterterrorist investigations that implicated DOD employees would be communicated to DOD counterintelligence. FBI and DOD also signed a consolidated agreement governing their operational coordination.⁹⁵ However, the Senate Homeland Security Committee expressed its ongoing concern in 2011, pointing out that the

⁹² Priest and Arkin, *Top Secret America*, pp. 94-95.

⁹³ Webster Commission, *The FBI, Counterterrorism Intelligence, and the Events at Fort Hood, Texas, on November 5, 2009* (July 19, 2012), p. 73; Senate Committee, *A Ticking Time Bomb*, p. 70.

⁹⁴ Senate Committee, *A Ticking Time Bomb*, pp. 10, 68-69.

⁹⁵ *Ibid.*, pp. 69-70; 9/11 Review Commission, *The FBI*, pp. 89.

information sharing failures in the Hasan case partly stemmed from the FBI-DOD dispute over jurisdictional boundaries, which remains unresolved.⁹⁶

Beyond the field of domestic intelligence, the U.S. Congress has sought to increase the role of DOD in another area that has traditionally been the preserve of the FBI. In December 2011, the legislative branch passed the National Defense Authorization Act (NDAA), which included a law mandating DOD to take the lead role in the detention of foreign Al-Qaeda-linked terrorist suspects arrested in the United States.⁹⁷ President Obama reluctantly signed the measure into law as part of a broader compromise with Congress, though the White House believed that it was ‘ill conceived’ and “remain[ed] concerned about the uncertainty that this law will create for our counter-terrorism professionals.”⁹⁸ This uncertainty was illustrated by the then Director of the FBI, Robert Mueller, who warned lawmakers: “The statute lacks clarity with regard to what happens at the time of arrest.” He was concerned that the new law could create a situation in which “FBI agents and military [show] up at the scene at the same time on a [terrorist suspect]... with some uncertainty as to who has the role and who is going to do what.”⁹⁹ Mueller’s concerns were addressed in February 2012 when President Obama issued a policy directive, which included extensive waivers to the NDAA’s requirement for military detention of foreign terrorist suspects, ensuring that they will continue to be placed in FBI custody in the vast majority of cases.¹⁰⁰ The FBI remains in pole position in this area under the Obama administration. However, the law remains on the statute books and any future President or Secretary of Defense who is more sympathetic to the idea of military detention could interpret that law accordingly, opening the door for confusion and conflict

⁹⁶ Senate Committee, *A Ticking Time Bomb*, pp. 69-70, 75.

⁹⁷ National Defense Authorization Act for Fiscal Year 2012, Section 1022.

⁹⁸ “Defence bill passes House” *BBC*, December 15, 2011, <http://www.bbc.co.uk/news/world-us-canada-16192472>.

⁹⁹ Comments at: *Hearing before the Committee on the Judiciary of the United States Senate, December 14, 2011* (Washington D.C.: U.S. Government Printing Office, 2012), pp. 11, 18.

¹⁰⁰ Barack Obama, “Presidential Policy Directive/ PPD-14,” February 28, 2012, <http://www.whitehouse.gov/the-press-office/2012/02/28/presidential-policy-directive-requirements-national-defense-authorizatio>.

between FBI and DOD.¹⁰¹ The NDAA was a further example of how political compromises involving Congress create overlapping jurisdictions in law, which may in future require counterterrorist agencies to come up with informal work-around solutions or – if that is not possible – fight over who is responsible for what.

In sum, fuzzy jurisdictional boundaries and informal routines between DOD and the FBI contributed to deficiencies in their coordination of intelligence, most notably in the case of Nidal Hasan. Rather than clarifying their respective roles, changes to the law rather threatened to extend this confusion into another domain – the detention of terrorist suspects.

FBI and NYPD

After 9/11, the New York Police Department¹⁰² developed a major counterterrorist capability based around two distinct units – the Counterterrorism Bureau, which focused on law enforcement and specialized programs, and the Intelligence Division, which was charged with developing terrorism intelligence. However, during most of the period since 2001, the Intelligence Division did not participate in the FBI-led Joint Terrorism Task Force (JTTF) in New York. Instead, the two organizations have tended to develop their terrorism intelligence sources independently. One FBI agent said that in New York, there were “parallel investigations... all the time. I would say that is common.”¹⁰³ The NYPD Intelligence Division has often been circumspect about sharing its information with the FBI. One former senior Bureau agent spoke of this in late 2008, more than seven years after 9/11: “They [the NYPD] have their own intelligence entity and they are running their own sources. And they are not telling. There is no sharing of that information. All done independent. So you’ve got

¹⁰¹ See Director Mueller’s comments: *Hearing before the Committee on the Judiciary*, pp. 11, 18.

¹⁰² The NYPD’s capability and relationship with the FBI is not representative of other, smaller state and local police forces. Still, it is important to examine whether the NYPD, as one of the most capable domestic counterterrorist agencies in the U.S., fits in with the broader federal effort to protect New York, which is widely regarded as the nation’s leading terrorist target.

¹⁰³ Interview with an FBI counterterrorist agent [US-K], Washington DC, 11 December 2008.

two huge, very good organizations stepping on each other.”¹⁰⁴ NYPD intelligence agents have even sought to infiltrate some of the same groups being monitored by the FBI/JTTF and collect information in some of the same mosques, bookstores and other locations as the FBI without notifying the Bureau.¹⁰⁵ This lack of cooperation has the potential to compromise not only the intelligence operations of the two agencies, but also their ability to intervene against terrorist suspects. In mid-2008, the NYPD did not inform the FBI that it was monitoring a suspect named Abdel Shehadeh until they saw that he was heading to John F. Kennedy Airport. The two agencies scrambled to respond but ultimately had to let a potentially dangerous man board a plane and fly to Pakistan.¹⁰⁶ Some months later, the then Attorney General, Michael Mukasey, wrote to the head of the NYPD, Ray Kelly, that such “documented failure[s] of the NYPD... to share information in a timely manner... are unacceptable and make New York and the country less safe.”¹⁰⁷

The FBI and NYPD’s Counterterrorism Bureau do work together on many investigations and have assigned almost 150 detectives each to the New York JTTF.¹⁰⁸ Despite this commitment, problems have also arisen here because of their failure to fully coordinate operational decisions on some cases. The inquiry into U.S. resident, Najibullah Zazi, is often praised as an example of good inter-agency cooperation and it did involve effective coordination of foreign intelligence with a domestic investigation.¹⁰⁹ Yet even this good example had revealing shortcomings. In September 2009, the FBI was following Zazi as he drove towards New York with what agents believed were explosive materials in the trunk of his car. At a bridge leading into New York City, the FBI used Port Authority police to stop

¹⁰⁴ Interview with a former senior FBI counterterrorist agent [US-J], Northern Virginia, 11 December 2008.

¹⁰⁵ Johnston and Rashbaum, “New York Police fights with U.S.”

¹⁰⁶ Pakistan sent him back to the U.S. at the FBI’s request. For more details, see: Adam Goldman and Matt Apuzzo, “Consequences for security as NYPD-FBI rift widens,” *Associated Press*, March 21, 2012, <http://www.ap.org/Content/AP-In-The-News/2012/Consequences-for-security-as-NYPD-FBI-rift-widens>

¹⁰⁷ Attorney General Michael B. Mukasey, Letter to Commissioner Raymond W. Kelly, October 31 2008, p. 5. This leaked letter is available at: <http://online.wsj.com/article/SB122715458871943891.html>.

¹⁰⁸ Sheehan, *Crush the Cell*, p. 185; David Johnston and William K. Rashbaum, “New York Police fights with U.S. on Surveillance,” *New York Times*, 20 November 2008.

¹⁰⁹ Dahl, “The Plots That Failed,” pp. 633-4; Senate Committee, *A Ticking Time Bomb*, p. 55.

Zazi for a ‘random search’ but their sniffer dog failed to detect the materials, leaving police without a pretext to open his trunk and so they left him on his way. The fact that the FBI had used the Port Authority rather than NYPD angered the latter and soon the police department was taking its own initiatives on the case.¹¹⁰ The Intelligence Division began asking their sources about Zazi, including an imam, Ahmad Afzali, who proceeded to inform the suspect by phone that law enforcement were onto him. FBI and NYPD officials have blamed each other both anonymously and publicly in the press for tipping off Zazi.¹¹¹ In any case, by this time, he had jettisoned his bomb-making materials and was soon taken in for questioning. As later court cases would show, a significant plot had been foiled but in a haphazard way which cut short efforts to develop intelligence on Zazi’s network and allowed any co-conspirators ample opportunity to flee.¹¹² Indeed FBI officials stated that they would have preferred to monitor Zazi and others for longer to gather further intelligence but could not because of the NYPD intervention.¹¹³ Independent initiatives on both sides and a failure to cooperate on operational decision-making contributed substantially to this suboptimal outcome.

In sum, separate lines of responsibility at federal and state level and the lack of a central authority for counterterrorism gives the NYPD and the FBI freedom to informally implement both general policies and specific operational decisions without consulting each other – a pattern that led to conflict and confusion between the two sides. Such informal organizational routines, which enable rapid and nimble action, can certainly be a strength in counterterrorism.¹¹⁴ However, when informal routines and relationships are relied upon to manage inter-agency coordination, it rarely proves a sustainable solution. According to a then

¹¹⁰ Christopher Dickey, “Ray Kelly’s NYPD Battles with the FBI,” *Newsweek*, June 11, 2012: <http://www.newsweek.com/ray-kellys-nypd-battles-fbi-65189>.

¹¹¹ William Rashbaum and Al Baker, “How Using Imam in Terror Inquiry Backfired on Police,” *New York Times*, September 23, 2009; Dickey, “Ray Kelly’s NYPD Battles with FBI;” Mitchell D. Silber, “How the NYPD Foiled a Plot to Bomb the Subways,” *Wall Street Journal*, May 4, 2012.

¹¹² Apart from Zazi, two further men were later arrested and convicted, but several others may have disappeared. See Josh Meyer, “Up to 12 may be involved in terror plot,” *Chicago Tribune*, September 21, 2009.

¹¹³ Interview with a senior FBI HQ intelligence official [US-M], Washington D.C., September 21, 2009. See also Rashbaum and Baker, “Using Imam in Terror Inquiry Backfired.”

¹¹⁴ The NYPD provides an example of this. See Sheehan, *Crush the Cell*, pp. 171-75.

Deputy Commissioner of the NYPD, Michael Sheehan, the FBI-NYPD conflict reached a high point in early 2006. Later that year, however, when the FBI appointed Joe Demarest as head of the New York JTTF, cooperation “improved dramatically” due to his leadership style and good personal relationship with the NYPD Commissioner, Ray Kelly.¹¹⁵ Yet when Demarest left the FBI in early 2008, relations deteriorated as a dispute between federal officials and the NYPD over the latter’s approach to electronic surveillance was revealed in the press.¹¹⁶ Demarest was brought back to the New York Field Office in December of that year partly to patch up relations. He had some success in this endeavour, but when he was transferred to FBI HQ in Washington D.C. in 2010, conflicts broke out again. In one joint investigation, the NYPD unilaterally sought a search warrant without informing the FBI, leading an angry Bureau to halt information-sharing with the NYPD Intelligence Division and suspend meetings of their JTTF for a period.¹¹⁷ One former senior FBI agent reflected the Bureau’s irritation when he told me: “the NYPD is a sort of in-your-face type of thing, and its infuriating what they do, how they treat the FBI Field Office.”¹¹⁸ During 2012-13, complaints about deficient information-sharing were once again being aired in the press.¹¹⁹ By 2015-16, however, changes of personnel at the top of the NYPD and the FBI’s New York Field Office led to improvements in the exchange of information between the two sides.¹²⁰ Nevertheless, previous experience indicated that relations could again turn sour when the key personalities moved on. Overall, conflicts and inadequate coordination between the FBI and the NYPD in the post-9/11 era have been “serious enough to affect operations,” according to Michael

¹¹⁵ Sheehan, *Crush the Cell*, pp. 176-78, 194. See also Dina Temple-Raston, “G-Man’s Job is to Keep the Peace – With N.Y. Cops,” *NPR*, December 9, 2008, <http://www.npr.org/templates/story/story.php?storyId=97986537>.

¹¹⁶ Johnston and Rashbaum, “New York Police fights with U.S.”

¹¹⁷ Goldman and Apuzzo, “Consequences for security as NYPD-FBI rift widens.”

¹¹⁸ Interview with a former senior FBI counterterrorist agent [US-J], Northern Virginia, December 11, 2008.

¹¹⁹ Dickey, “Ray Kelly’s NYPD Battles with FBI”; Christopher Dickey, “The FBI Cut the NYPD Out of the Loop About the Tsarnaev Brothers’ Plans,” *Daily Beast*, 27 April 2013.

¹²⁰ Adam Goldman, “FBI and NYPD make peace, focusing on fighting terrorism and not each other,” *Washington Post*, March 8, 2016.

Sheehan, hampering intelligence-development and allowing terrorist suspects to flee notably in the Zazi and Shehadeh cases.¹²¹

Formal coordination through NCTC

If Congress' substantial involvement in national security often leads to confusion over agency missions, the activist legislature and political class in the United States has also been a significant driver of reform, including the introduction of some formal coordination mechanisms into American counterterrorism. The creation of the National Counterterrorism Center (NCTC) in 2004 was one of the main reforms driven by the 9/11 Commission and Congress aimed at improving inter-agency coordination in response to the organizational failures that preceded 9/11.¹²² NCTC brings together representatives from the United States' various counterterrorist agencies for regular meetings in which they pool their information on terrorism. The centre also produces "all-source" analyses of the threat, which aim to integrate all terrorism-related intelligence possessed by U.S. government departments, agencies and intelligence organizations.¹²³ NCTC is widely considered to have added value in these areas. As one senior FBI intelligence official put it: "on threat analysis and information-sharing, I think they do a pretty good job, and most people here [at the FBI], including the Director, would say that." NCTC has direct access to the databases of the FBI and other agencies, the official explained: "We're not only giving it to them... they can draw it out themselves."¹²⁴ These procedures for automatic information-sharing with NCTC, along with the regular inter-agency meetings at the centre, indicate how the introduction of formal organizational routines can strengthen coordination.

¹²¹ Sheehan, *Crush the Cell*, p. 176.

¹²² Treverton, *Intelligence for an Age of Terror*, pp. 81-92. A Director of National Intelligence was also introduced.

¹²³ Karen DeYoung, "A Fight Against Terrorism - and Disorganization," *Washington Post*, August 9, 2006.

¹²⁴ Interview with a senior FBI HQ intelligence official [US-M], Washington D.C., September 21, 2009. See also Zegart, *Spying Blind*, p. 186.

The second key mission of NCTC concerns strategic operational planning; that is the assigning of specific roles in counterterrorism to U.S. government agencies. NCTC negotiated with the various agencies over ten months in 2005-06 to produce a National Implementation Plan (NIP) for counterterrorism.¹²⁵ “There was a lot of wailing and gnashing of teeth,” recalled one former senior NCTC official, as agencies sought to maintain their prerogatives. Ultimately, NCTC lacked the authority to ensure that the agencies implemented the plan. The former official admitted: “I’m not certain how well [the NIP] has been followed subsequently.” He also pointed out that NCTC does not direct tactical-level intelligence, law enforcement or military operations: “we were almost like air traffic controllers. We weren’t operational. We didn’t tell them: ‘You should do this. You should do that.’”¹²⁶ While NCTC has added value in some areas, it does not have major authority or an operational role, nor has it changed the overall nature of U.S. inter-agency counterterrorism, which retains its reliance on informal routines.

Overlapping missions and informal organizational routines create a fluid situation in which agencies can take independent actions without necessarily consulting their peers or a superior central authority. DHS took initiatives after its foundation, which the FBI reacted angrily to, leading to rivalry and duplication of effort, which both sides view as an obstacle to their development of terrorism intelligence. Fuzzy jurisdictional boundaries between DOD and the FBI contributed to deficiencies in their intelligence work. The NYPD also developed its activities independently of the FBI, with negative operational consequences in a number of instances. These case studies show how inadequate coordination and conflict between domestic security agencies have had damaging effects on the United States’ development of intelligence and its operations against Islamist terrorist networks.

¹²⁵ DeYoung, “A Fight Against Terrorism - and Disorganization;”

¹²⁶ Interview with a former senior FBI and NCTC official [US-N], Northern Virginia, September 21, 2009.

Explaining inter-agency coordination in Britain¹²⁷

In contrast to the U.S. case, the U.K.'s security agencies have tended to closely integrate their activities and refrain from turf battles. An analysis of MI5's relationships with various police units shows that this higher degree of coordination owes much to the formal organizational routines of the British agencies.

MI5 and the London Metropolitan Police

During the 1990s, the missions of Britain's three core domestic counterterrorist agencies were shaped by a sharp distinction between intelligence and evidence. MI5 devoted itself to collecting intelligence; the law enforcement officers of the Metropolitan Police Anti-Terrorist Branch (ATB) worked purely on gathering evidence that could be admitted to court; and Metropolitan Police Special Branch straddled the line between the two, linking intelligence to evidence-development.¹²⁸ After 9/11, however, facing a perceived threat of mass-casualty terrorism, the ATB police began arresting suspects earlier in the inquiry process than they had in the past (when they had faced the Irish Republican Army). In this context, the Anti-Terrorist Branch began to work more intensively with MI5 early on in particular cases to facilitate the assembly of evidence and enable consequent arrests. Senior ATB law enforcement officers, such as Peter Clarke, confirmed that they were now working with MI5 at an earlier stage of inquiries and were being given greater access to sensitive intelligence than they had previously.¹²⁹ "Operation Crevise" in 2004 was a significant example of the ATB being involved at an earlier stage of an inquiry as it worked with MI5 to gather evidence for two months before the suspects were arrested.¹³⁰ MI5 also developed its role, playing a

¹²⁷ Due to space constraints, this section on Britain is shorter than the preceding section on the U.S. Further details on the British case can be found in Foley, *Countering Terrorism in Britain and France*, pp. 129-167.

¹²⁸ Foley, "Reforming Counterterrorism," pp. 462-463.

¹²⁹ Peter Clarke, "Learning from Experience – Counter Terrorism in the UK since 9/11," Speech to the Policy Exchange, 24 April 2007, <http://www.policyexchange.org.uk/publications/publication.cgi?id=15>.

¹³⁰ Ibid; Foley, "Reforming Counterterrorism," p. 464.

greater part in the provision of evidence for trial, alongside its traditional intelligence-gathering function.¹³¹

MI5 and the ATB were now working directly together on linking intelligence to evidence-development. In effect, they were carrying out the role traditionally fulfilled by Metropolitan Police Special Branch. In this context, the Metropolitan Police decided to merge Special Branch with the ATB into a reformed division called the Counter Terrorism Command, which would bring together in one agency the traditional *métiers* of the two old branches: intelligence and law enforcement. Peter Clarke, then the leading officer at the ATB, was appointed head of the new CT Command, which was launched in October 2006.¹³² The Metropolitan Police Special Branch was one of Britain's two major police counterterrorist units, with a good reputation in police circles internationally and a history of operations that stretched back to the 19th century. Aware of the significance of their organization, some Special Branch officers were unhappy when they learned that it was to be closed down and its personnel absorbed into a new agency.¹³³ Nevertheless, no major conflict ensued between Special Branch and the other agencies. Two factors help to explain why.

Firstly, we need to understand how the UK's formal organizational routines – which involve distinct missions for each agency, laid out in government guidelines – have fostered stable expectations among the counterterrorist services. As noted above, these government guidelines have specified since the early 1990s that Special Branch's role was to “assist” MI5's work on terrorism intelligence. In this context, there has been an expectation among Special Branch officers in recent decades that MI5's role in terrorism intelligence would

¹³¹ Frank Foley ‘The Expansion of Intelligence Agency Mandates: British Counterterrorism in Comparative Perspective,’ *Review of International Studies*, 35:4 (2009), pp. 983-95

¹³² Metropolitan Police, “New Counter Terrorism Command launched,” October 3, 2006, http://policeoracle.com/news/New-Counter-Terrorism-Command-Launched_11521.html.

¹³³ Robert Lambert, *Countering Al-Qaeda in London: Police and Muslims in Partnership* (London: C. Hurst & Co., 2011), pp. 268, 278-79; Interview with a Metropolitan Police (Special Branch/Counter Terrorism Command) officer [UK-B], London, 26 January 2007.

continue to be enhanced – at their expense.¹³⁴ As the ultimate outcome of what one senior police officer called a set of “incremental changes,” the decision to put an end to Special Branch as a distinct entity was wholly in tune with the established trend.¹³⁵ Secondly, the impact of this change was also softened by the overall balance that the UK’s reforms maintained between the roles of the intelligence and police agencies. Since 2004, the government has allocated funding to more than double the staff of both MI5 and of the police’s main counterterrorism entities.¹³⁶ While such expansions may encourage mission grabs in some countries, the core counterterrorist agencies in Britain have less room to take such initiatives because each service has a distinct and well-insulated mandate. MI5 has a clear lead on the intelligence mission while the police maintains responsibility for law enforcement.

Formal organizational routines thus reduce the likelihood that agencies will take rapid or independent initiatives, which can provoke conflict between them and other services, as we have seen in the U.S. case. In Britain, rather, changes were introduced incrementally either by the central government or with their support. The Metropolitan Police’s decision to close Special Branch was congruent with both contemporaneous and previous changes approved by the British government to promote MI5 primacy on terrorism intelligence. With a central authority supporting these developments, the British reforms maintained clear lines of responsibility and a balance between the roles of the police and intelligence services. In this context, the core agencies continued and, in some respects, intensified their close and regularized cooperation on counterterrorism. The government and agency leaderships were the key decision-makers in the British reforms with Parliament taking a back seat, in contrast to the United States where Congress played an active role in national security reform.

¹³⁴ Foley, “Reforming Counterterrorism,” p. 472.

¹³⁵ Interview with a senior Metropolitan Police (Special Branch/Counter Terrorism Command) officer [UK-K], London, 5 July 2007; Foley, *Countering Terrorism in Britain and France*, p. 171.

¹³⁶ Foley, *Countering Terrorism in Britain and France*, pp. 158-163.

MI5 and regional police

While the British agencies foiled several substantial terrorist plots in the post 9/11 era, their failure to prevent 2005 London bombings revealed deficiencies.¹³⁷ MI5 had strengthened its relationship with the London Metropolitan Police, as outlined above, but it was not sharing sensitive terrorism intelligence with provincial police forces to the same extent.¹³⁸ Some analysts believed that this contributed to the agencies' failure to detect the London bombers' attack plans in advance.¹³⁹ At the same time, intelligence was uncovering a growing Islamist terrorist threat in certain regions of the UK, which local police forces were ill-equipped to deal with. In this context, both the police and MI5 were given funding from 2006-07 to create significant regional counterterrorism units or stations.¹⁴⁰ Several sources indicate that this has improved MI5's operational co-ordination with regional and provincial police forces. The inquest into the London bombings by Lady Justice Hallett, which was highly critical of MI5 in some areas, concluded in respect of this issue that "on the evidence, the gathering of intelligence around the country and the liaison between the Security Service and the various police forces has changed beyond recognition and brought with it considerable benefits."¹⁴¹ As an example of this liaison, the then head of MI5, Eliza Manningham-Buller, told of how her service's regional station in the Midlands had worked with the regional police's Counter Terrorism Unit and others on a sensitive operation in 2007, which disrupted a plot to kidnap and kill a British soldier: "It is clear to me that having an established [MI5] station in [the

¹³⁷ On these plots, see Christopher Andrew, *The Defence of the Realm: The Authorized History of MI5* (London: Penguin, 2010), pp. 816-39.

¹³⁸ Foley, *Countering Terrorism in Britain and France*, pp. 156-57.

¹³⁹ Peter Taylor, '7/7: No more locked doors,' *Guardian*, 6 May 2011.

¹⁴⁰ Foley, *Countering Terrorism in Britain and France*, pp. 158-62.

¹⁴¹ Lady Justice Hallett, *Coroner's Inquiry into the London Bombings of 7 July 2005*, 6 May 2011, p. 26, available at: <http://7julyinquests.independent.gov.uk>.

West Midlands] that is able to work very closely with both the Special Branch and the CT unit in [the West Midlands] on this case is extremely helpful...’’¹⁴²

UK counterterrorism has departed from its centralized model to some extent with the introduction of regional police Counter Terrorism Units. However, these reforms have also provided for central control of the new regional units and introduced common procedures to ensure interoperability between them.¹⁴³ The London Metropolitan Police and MI5 remain the key actors and they have retained their authority to direct counterterrorism operations throughout Great Britain. Inter-agency coordination in the UK is not without its problems. A parliamentary report in 2014 recommended that the police and MI5 should work closer together to bring ordinary criminal charges against people that they suspect, but have insufficient intelligence, of being linked to terrorism. The agencies considered bringing drug charges in 2012 against a man who went on to kill Lee Rigby the following year, but they did not give it sufficient priority to make a successful disruption.¹⁴⁴ Notwithstanding this flaw, however, it is clear that the British agencies overall have considerably less coordination problems and turf conflicts than their U.S. counterparts.

Implications for Theory and Policy

In the United States’ domestic response to Islamist terrorism, there has been considerable conflict between core agencies such as the FBI, DHS, DOD and the NYPD, while their reliance on informal inter-agency ties has had negative operational consequences. The more formal arrangements of the British case have led to higher levels of inter-agency cooperation on counterterrorist intelligence and law enforcement operations and little conflict between core organizations. To explain this variation, we have shown how an interaction between

¹⁴² Intelligence and Security Committee, *Annual Report 2006-2007*, Cm 7299 (London, TSO, 2008), p. 10.

¹⁴³ For details, see Foley, *Countering Terrorism in Britain and France*, pp. 159-61.

¹⁴⁴ Intelligence and Security Committee of Parliament, *Report on the intelligence relating to the murder of Fusilier Lee Rigby*, HC 795 (London, HMSO, 2014), pp. 50-51.

macro-institutions and micro-organizational routines shapes the development of intelligence and operations against terrorism within the United States and Britain respectively. These findings have implications for both theory and policy.

The findings raise questions about the ability of some influential theoretical paradigms to shed light on the dynamics of security organizations. From a bureaucratic politics perspective, security agencies in Britain and the U.S. may be assumed to have a similar interest in maximizing their autonomy and sphere of activity. If this is the case, however, the model cannot explain the variation in levels of inter-agency cooperation between the two cases, nor does it shed light on why turf battles are prevalent in the U.S. but rare in Britain even when agencies' bureaucratic interests are severely threatened as in the case of Special Branch. Rather than placing interests at the centre of the analysis, it is more fruitful to examine the jurisdictional boundaries between security agencies (whether they are distinct or overlapping). It is equally important to focus on how informal organizational routines enable individual agencies to take rapid and independent initiatives, which are more likely to cause conflict and stymie cooperation than changes that are introduced incrementally with the support of a central authority.

Routines are sometimes linked to, or seen as a component part of, organizational culture.¹⁴⁵ In this sense, my conclusions build on and are complementary to cultural studies. Nevertheless, this article has suggested that a focus on organizational routines offers more specific mechanisms than culture for the analyst to examine. It has specified three institutionally-based structural conditions, which shape the formation of these routines. This interaction between national institutions and specific organizations is worthy of further study. As argued above, since institutional and organizational routine theories can explain how

¹⁴⁵ See, for example, Zegart, *Spying Blind*, pp. 43, 45, 48.

historical legacies lead to sub-optimal practices – even in a top priority area such as counterterrorist policy – these theories have passed a difficult test.

Turning to policy implications, this study identifies certain key conditions for the development of a high level of inter-agency cooperation on counterterrorist intelligence and law enforcement operations. The presence of few core counterterrorist agencies, whose work is regulated by distinct missions and clear guidelines laid down by a central authority, has been found to give rise to formal organizational routines (see Figure 1). These routines entail regularized interaction between services and favour the development of a relatively high level of cooperation between core organizations. All of the conditions leading to this outcome were present in the British case and absent in the American case.¹⁴⁶ It may be useful for U.S. policymakers to take these conditions into account when making future alterations to the agencies; for example, the importance of giving distinct missions to security organizations. Furthermore, the record of NCTC shows how formal routines and coordination mechanisms can be introduced into parts of the system in a way that brings concrete benefits. Some degree of reform to the coordination of U.S. counterterrorism is possible.

However, the analysis offered in this article also highlights the severe constraints on reform and indicates why more substantial changes to the coordination of U.S. counterterrorism have not been introduced. For example, some expert panels have made proposals for a moderate centralization of U.S. counterterrorism, in which the President of the United States would “empower” NCTC to “serve as an integrating mechanism for CT in the U.S government.”¹⁴⁷ From this perspective, if clashing bureaucratic interests are a key driver of inter-agency turf wars and coordination problems, then what is needed is stronger direction

¹⁴⁶ These conditions are also absent in the case of France; see Foley, “Reforming Counterterrorism”. Future research on other problematic cases, such as Belgium, could identify whether such countries match, or fail to match, these conditions which are favourable to good coordination outcomes.

¹⁴⁷ Project on National Security Reform, *Towards Integrating Complex National Missions*, pp. 123, 152. See also: Markle Foundation and the NYU Center on Law and Security, *Reforming the Culture of National Security: Vision, Clarity, and Accountability* (New York, April 2009), pp. 5-6, 12.

from the top. However, such proposals encounter a formidable obstacle in the American suspicion of concentrated power. This anti-statist impulse is so pervasive that it is even expressed by high-level security officials who one might have expected to be sympathetic to some degree of centralization. A former senior NCTC official spoke of inter-agency coordination problems that he had personally witnessed, adding:

“But that’s the way we are in this country. We decided long ago, we’re not gonna have... concentrated power... This country is much more comfortable with a fragmented [law] enforcement and intelligence system. That comes with a cost: conflicting operations and conflicting analysis and everything else. But we have decided that we’d rather have that than have a KGB.”¹⁴⁸

In the context of such attitudes, anything that smacks of centralization is likely to face rigorous opposition.¹⁴⁹

Even if these obstacles could be overcome and a moderate centralization of U.S. counterterrorism was introduced, my analysis suggests that it would not make a great deal of difference to operational coordination. The informal routines of the U.S. agencies have, over time, taken on significant momentum and staying-power. As noted above, the theoretical literature on the subject indicates that organizational routines are taken for granted in their particular contexts and tend to be reproduced in unreflective ways. Cross-jurisdictional incursions and turf battles have become routine and expected behaviours among U.S. security agencies. It would take more than a moderate increase in central authority to change these deeply-embedded organizational routines. In American politics and society, however, a more than moderate centralization is unlikely to be acceptable.

A second idea for reform is that policies designed to alter the incentive structure of security officials might reduce their focus on their own agency’s bureaucratic interest. For example, Amy Zegart has suggested making rotational assignments to other agencies a requirement for promotion. She argues that this would create incentives and opportunities to

¹⁴⁸ Interview with a former senior FBI and NCTC official [US-N], Northern Virginia, September 21, 2009.

¹⁴⁹ The opposition would be particularly strong against giving the federal government greater power over state and local law enforcement.

establish informal networks and build trust between officials across agencies.¹⁵⁰ It is true that good relations between individuals can improve inter-agency cooperation for a certain period, as was outlined in the FBI-NYPD case above. Yet, as this example also showed, such informal links and routines do not provide a sustainable solution to the problems of inter-agency coordination and conflict over turf.

These and other reform proposals are influenced by the widespread assumption that bureaucratic self-interest is a key driver of deficiencies in inter-agency coordination. Perhaps surprisingly, it turns out that this assumption leads to overly optimistic conclusions. A comparison of the United States with the British case, focused on their deep-seated routines and institutions, leads one to be more doubtful about the prospects for significant change in inter-agency counterterrorism.

When a terrorist attack takes place in the United States, the response of many members of Congress in the weeks and months afterwards is to criticise the security agencies that failed to prevent it. They do not usually acknowledge that the fragmented counterterrorist system that they criticise stems from a deep-rooted set of anti-statist institutions of which Congress itself is a key component. Rather than simply blaming the agencies, lawmakers and citizens would do well to acknowledge more explicitly the uncomfortable trade off between avoiding excessively strong government on the one hand and developing effective inter-agency counterterrorism on the other.

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¹⁵⁰ Zegart, "September 11 and Adaptation Failure," pp. 110-11.

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